

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALI NIMEH,)	
)	
Plaintiff,)	Case No. 08 CV 2127
vs.)	
)	Hon. Robert M. Dow, Jr.
PENAUILLE SERVISAIR LLC f/k/a GLOBE)	
GROUND NORTH AMERICA LLC; and)	
SERVISAIR LLC)	
)	
Defendants.)	

MOTION TO FILE FIRST AMENDED COMPLAINT

Plaintiff, ALI NIMEH, by and through her attorneys, Power Rogers & Smith, P.C. moves this Honorable Court for leave to file, instantler, his First Amended Complaint at Law, by joining as an additional party defendant, TENNELL NEAL. Plaintiff requests summons to issue accordingly against said party. A copy of Plaintiff's First Amended Complaint is attached hereto and made part of this Motion.

Wherefore, Plaintiff, ALI NIMEH, by his attorneys, Power Rogers & Smith, P.C. requests leave to file instantler his First amended Complaint at Law, joining as an additional party defendant, TENNELL NEAL.

Respectfully Submitted,

By/s/ _____
Thomas G. Siracusa
One of his Attorneys
POWER ROGERS & SMITH, P.C.
70 W. Madison Street
Suite 5500
Chicago, IL 60603
Phone: (312) 236-9381

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALI NIMEH,)	
)	
Plaintiff,)	Case No. 08 CV 2127
vs.)	
)	
PENAUILLLE SERVISAIR LLC f/k/a GLOBE)	
GROUND NORTH AMERICA LLC;)	
SERVISAIR LLC; and TENNELL NEAL)	
)	
Defendants.)	

FIRST AMENDED COMPLAINT AT LAW

COUNT I

NOW COMES plaintiff, ALI NIMEH (NIMEH), by his attorneys, POWER ROGERS & SMITH, and complaining of defendants PENAUILLLE SERVISAIR LLC, f/k/a GLOBEGROUND NORTH AMERICA LLC and SERVISAIR LLC (collectively referred to as "SERVISAIR"), pleading hypothetically and in the alternative, states:

1. On or about May 31, 2006, NIMEH was employed by United Airlines at O'Hare International Airport, Cook County, Illinois.
2. On or about May 31, 2006, SERVISAIR was a foreign corporation doing business at O'Hare International Airport, Cook County, Illinois.
3. On or about May 31, 2006, NIMEH was working at or near a baggage cart at or near the rear of an airplane parked at Gate B-7 at O'Hare International Airport.
4. On or about May 31, 2006, a SERVISAIR jet fuel truck was being operated on the service road at or near Gate B-7 at O'Hare International Airport.
5. At the time and place alleged, the SERVISAIR truck was being operated by an agent and/or employee of SERVISAIR.

6. At the time and place alleged, the agent and/or employee of SERVISAIR was operating the truck in the course of and within the scope of his agency and/or employment with SERVISAIR.

7. At the time and place alleged, the SERVISAIR truck veered off of the service road and crashed into a baggage cart tug.

8. At the time and place alleged, the aforesaid baggage cart tug was connected to the baggage carts near which NIMEH was working.

9. At the time and place alleged, the force of the collision caused one or more of the baggage carts to strike NIMEH.

10. At the time and place alleged, NIMEH was injured as a result of the aforesaid collision.

11. At the time and place alleged SERVISAIR, through its authorized agent and/or employee, was negligent in one or more of the following respects:

- a. Failing to avoid colliding with another vehicle; or
- b. Failing to keep a proper lookout; or
- c. Failing to maintain its vehicle within the space designated as service road; or
- d. Driving its vehicle at an excessive rate of speed; or
- e. Driving its vehicle carelessly; or
- f. Was otherwise negligent.

12. As a proximate result of one or more of the foregoing negligent acts and/or omissions, NIMEH was injured; has endured and will in the future endure pain and suffering; has become disfigured and disabled; has suffered a loss of earnings; and has been damaged in his capacity to earn.

WHEREFORE, plaintiff ALI NIMEH, by his attorneys, POWER ROGERS & SMITH, P.C., demands judgment against the defendants PENAUILLE SERVISAIR LLC,

f/k/a GLOBEGROUND NORTH AMERICA LLC and SERVISAIR LLC, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) as shall represent fair and just compensation.

COUNT II

NOW COMES plaintiff, ALI NIMEH (NIMEH), by his attorneys, POWER ROGERS & SMITH, and complaining of defendants PENAUILLÉ SERVISAIR LLC, f/k/a GLOBEGROUND NORTH AMERICA LLC and SERVISAIR LLC (collectively referred to as "SERVISAIR") and TENNELL NEAL (NEAL), pleading hypothetically and in the alternative, states:

1. On or about May 31, 2006, NIMEH was employed by United Airlines at O'Hare International Airport, Cook County, Illinois.
2. On or about May 31, 2006, SERVISAIR was a foreign corporation doing business at O'Hare International Airport, Cook County, Illinois.
3. On or about May 31, 2006, NEAL was a resident of Cook County.
4. On or about May 31, 2006, NEAL was an agent and/or employee of SERVISAIR.
5. On or about May 31, 2006, NEAL was acting in the course of and within the scope of his agency and/or employment with SERVISAIR.
6. On or about May 31, 2006, NIMEH was working at or near a baggage cart at or near the rear of an airplane parked at Gate B-7 at O'Hare International Airport.
7. On or about May 31, 2006, NEAL operated a SERVISAIR jet fuel truck on the service road at or near Gate B-7 at O'Hare International Airport.
8. At the time and place alleged, the SERVISAIR jet fuel truck operated by NEAL within the scope of his or her agency and/or employment with SERVISAIR veered off of the service road and crashed into a baggage cart tug.

9. At the time and place alleged, the aforesaid tug was connected to the baggage carts near which NIMEH was working.

10. At the time and place alleged, the force of the collision caused one or more of the baggage carts to strike NIMEH.

11. At the time and place alleged, NIMEH was injured as a result of the aforesaid collision.

12. At the aforesaid time and place, SERVISAIR and NEAL were negligent in one or more of the following respects:

- a. Failing to avoid colliding with another vehicle; or
- b. Failing to keep a proper lookout; or
- c. Failing to maintain their vehicle within the space designated as service road; or
- d. Driving their vehicle at an excessive rate of speed; or
- e. Driving their vehicle carelessly; or
- f. Were otherwise negligent.

13. As a proximate result of one or more of the foregoing negligent acts and/or omissions, NIMEH was injured; has endured and will in the future endure pain and suffering; has become disfigured and disabled; has suffered a loss of earnings; and has been damaged in his capacity to earn.

WHEREFORE, plaintiff ALI NIMEH, by his attorneys, POWER ROGERS & SMITH, P.C., demands judgment against defendants PENAUILLÉ SERVISAIR LLC, f/k/a GLOBEGROUND NORTH AMERICA LLC and SERVISAIR LLC and TENNELL

NEAL, and each of them, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) as shall represent fair and just compensation.

POWER ROGERS & SMITH, P.C.

By/s/ _____
Thomas G. Siracusa

POWER ROGERS & SMITH, P.C.
70 West Madison Street, #5500
Chicago, Illinois 60602
Phone: (312) 236-9381
Firm I.D. No. 31444

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

ALI NIMEH,)
)
) Plaintiff,) NO.
 vs.)
)
)
 PENAUILLE SERVISAIR LLC f/k/a GLOBE)
 GROUND NORTH AMERICA LLC; and)
 SERVISAIR LLC)
)
) Defendants.)

AFFIDAVIT

The Affiant, Thomas G. Siracusa, being first duly sworn on oath, deposes and states:

1. I am the attorney for the plaintiff in the above cause of action.
2. The money damages sought in this cause of action exceed \$50,000.00.

FURTHER AFFIANT SAYETH NOT.

THOMAS G. SIRACUSA

Subscribed and sworn to before me this
____ day of _____, 2008

NOTARY PUBLIC

POWER, ROGERS & SMITH, P.C.
70 W. Madison Street, # Suite 5500
Chicago, IL 60602
Phone: 312-236-9381
Attorney I.D. No. 31444